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-- Attorneys for Plaintiff

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BY: JBmm  
DEPUTY

MONTANA NINETEENTH JUDICIAL DISTRICT COURT  
LINCOLN COUNTY

TODD STEPHAN BOEHMLER,

Plaintiff,

v.

SYMETRA LIFE INSURANCE  
COMPANY, and BROWN & JOSEPH,  
LLC, an Illinois limited liability company,

Defendants.

Cause No. DV-22-102

**VERIFIED COMPLAINT AND DEMAND  
FOR JURY TRIAL**

COMES NOW Plaintiff, Todd Stephan Boehmler, by and through his attorney of record, St. Peter Law Offices, P.C., and respectfully alleges as follows:

1. Plaintiff Todd Stephan Boehmler ("Todd") is an individual domiciled in Lincoln County, Montana.
2. Upon information and belief, Symetra Life Insurance Company ("Symetra") is an insurance company authorized to transact business in the State of Montana.
3. Upon information and belief, Brown & Joseph, LLC ("BJ") is a limited liability company whose domestic jurisdiction is Delaware. BJ is authorized to transact

business in Illinois as a foreign limited liability company. BJ is not authorized to transact business in Montana.

4. Plaintiff's Father, Stephan Boehmler ("Stephan"), passed away on April 30, 2021. At the time of his passing, Stephan owned an Annuity through Symetra ("AN0835327") worth \$160,841.58.

5. On May 14, 2021, Symetra sent Todd a request to complete a Claimant Option Request form in order for Symetra to process payment to Todd.

6. At Symetra's request, Todd completed the Claimant Option Request form and elected "Option 3" for his Death Benefit Election.

7. By letter dated June 22, 2021, Todd learned his claim had been approved and received \$160,841.58 by check dated June 23, 2021.

8. Todd proceeded to spend the money for his use and enjoyment.

9. On August 13, 2021, Symetra wrote to Todd informing him "[a] recent review of our file determined that Stephan Boehmler did not name you as a beneficiary on this contract, and the payment made to you was in error. We regret this mistake and any inconvenience this may have caused."

10. By letter dated September 13, 2021, Symetra informed Todd that "[w]e understand that much of the amount you received was spent and may be difficult to return at this time . . . . If funds are not returned by October 31, 2021 or payment structure to return the funds is not established by October 31, 2021, Symetra will seek any and all available legal remedies."

11. On November 11, 2021, Symetra was provided a notice that Todd was represented by an attorney and directed "any further communication regarding the

above referenced matter to [the attorney's] office." Symetra acknowledged the representation in a letter dated November 30, 2021.

12. No additional correspondence was delivered to Todd's attorney.

13. On May 3, 2022, Todd personally received a letter from BJ informing him that BJ was a debt collector and it was tasked with collecting \$160,841.58 from him. Todd has disputed the debt in accordance with his rights under the Federal Fair Debt Collection Practices Act ("FDCPA").

**COUNT I  
UNFAIR TRADE PRACTICES ACT**

14. Symetra misrepresented pertinent facts relating to AN0835327. Specifically, Symetra represented to Todd that he was a beneficiary under the annuity when, according to Symetra, he was not.

15. As a result of Symetra's misrepresentation, Todd has endured pecuniary injury in the amount of \$160,841.58.

**COUNT II  
NEGLIGENCE**

16. Symetra owed Todd a duty to reasonably conduct an investigation as to whether he was a beneficiary of AN0835327.

17. Symetra breached its duty when it did not conduct a reasonable investigation. Symetra's investigation revealed he was a beneficiary when, according to Symetra, he was not.

18. Symetra's unreasonable investigation caused Todd pecuniary injury in the amount of \$160,841.58

**COUNT III  
NEGLIGENT MISREPRESENTATION**

19. Symetra made a representation to Todd that he was a beneficiary of AN0835327.
20. The representation was untrue.
21. According to Symetra, there were no reasonable grounds for believe its representation was true.
22. Symetra intended for Todd to believe he was a beneficiary.
23. Todd was unaware the representation that he was a beneficiary was untrue and justifiably relied on Symetra's representation.
24. As a result of his reliance, Todd has endured pecuniary injury in the amount of \$160,841.58

**COUNT IV  
FAIR DEBT COLLECTION PRACTICES ACT**

25. Symetra and BJ knew Todd was represented by an attorney. The acknowledgment was made by letter dated November 30, 2021.
26. The scope of the attorney's representation related to AN0835327.
27. The name and address of Todd's attorney was provided to Symetra and imputed to BJ.
28. Despite acknowledging Todd was represented by an attorney, Symetra, through its agent BJ, communicated with Todd.
29. No correspondence was sent to Todd's attorney by either Symetra or BJ prior to the letter sent to Todd, personally, on May 3, 2022. Consequently, Todd's attorney did not fail to respond to either Symetra or BJ within a reasonable time.

30. Prior to May 3, 2022, Todd had a credit score of approximately 815. Todd has suffered pecuniary injury as a result of any drop in his credit score related to improper collection efforts.

WHEREFORE Plaintiff prays for the following:

1. For special and general damages to be proven at trial;
2. For civil liability damages as allowed by the MUTPA;
3. For civil liability damages as allowed by the FDCPA;
4. For attorney's fees and costs as allowed by the MUTPA and FDCPA;
5. For other attorney's fees and costs as allowed by law; and
6. For such other and further relief a justice may so require.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all issues as triable in the above action.

DATED this 22nd day of June, 2022.

ST. PETER LAW OFFICES, P.C.

By   
Michael O'Brien

VERIFICATION

STATE OF MONTANA     )  
                                      :ss  
County of Lincoln     )

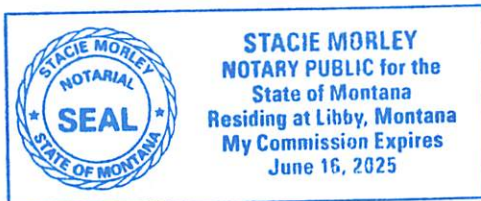
TODD STEPHAN BOEHLER, being first duly sworn upon his oath, deposes and says:

I am the Plaintiff in the within action. I have read the foregoing document and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

DATED this 21<sup>st</sup> day of June, 2022.

  
Todd Stephan Boehmler

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of June, 2022, by Todd Stephan Boehmler.



  
Notary Public for the State of Montana